



HAWAII
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February 8, 2013

TO: Chair Cindy Evans, Vice Chair Nicole Lowen, Committee on Water and Land
Chair Roy Takumi, Vice Chair Takashi Ohno, Committee on Education
Chair Sylvia Luke, Vice Chairs Nishimoto and Johanson, Com. on Finance

FROM: Barbara Polk, Legislative Chair
Americans for Democratic Action/Hawaii

SUBJECT: **SUPPORT FOR HB 1133 and HB 589**
OPPOSITION TO HB 942, HB 219, HB 593, HB 1134, and HB 865

Americans for Democratic Action/Hawaii strongly objects to HRS 171C, under which control of public lands has been placed in the hands of an unelected five-person Public Lands Development Corporation, with the ability to exempt development from many of the rules and regulations that were designed to protect the environment, native Hawaiian rights, democratic process, health and safety, and consultative development planning. For that reason, we support HB 1133 and HB 589, both of which would abolish the Public Lands Development Corporation.

In a democratic representational system of governance, we elect representatives to whom we entrust major decisions for the benefit of the public. We do not expect or accept our representatives then passing that responsibility on to another body given broad authority with little accountability.

We are also amazed that legislators would so blithely ignore the work of their predecessors at the state and country levels in weighing issues and passing laws over the past half century! In our system of government, that which is not proscribed is legal. In recent years, there has been a sustained attack on "government regulation", as though regulations were put in place only to harass business and government agencies. In fact, each of the laws that regulate business and government has come into being because they have been violated at a time when that was not illegal. To ignore them now is to return to a free-for-all in which nepotism, corruption, environmental degradation, sloppy construction, dangerous work conditions, secrecy, bypassing of community input and random land use are all acceptable! Who would want that? Yet the PLDC was set up in such a way that all of these things would be legal.

It is not enough to tweak the statute here and there (HB 219 and HB 1134), nor is it enough to somewhat limit its scope and rename it (HB 942 and HB 1134). It is also not acceptable to pass certain of its responsibilities on to other existing entities (HB 865). In addition, a pilot project

(HB 593) would be equally subject to the abuses enumerated above. We are not opposed to public-private partnerships, but we believe that it is the legislature and the county councils who have the responsibility for final approval of such partnerships, not an unelected, private corporation.

HB 1134 remedies some of the issues in the current statute. However, it still supercedes “county land use plans, policies and ordinances,” requiring only “coordination” with the counties, but still exempting PLDC projects from county requirements and approval procedures. In addition, this bill retains the powers of the PLDC to:

“Acquire or contract to acquire by grant or purchase:

(A) All privately owned real property or any interest therein and the improvements thereon, if any, that are determined by the corporation to be necessary or appropriate for its purposes under this chapter, including real property together with improvements, if any, in excess of that needed for such use in cases where small remnants would otherwise be left or where other justifiable cause necessitates the acquisition to protect and preserve the contemplated improvements, or public policy demands the acquisition in connection with such improvements;”

And to:

Own, hold, improve, and rehabilitate any real, personal, or mixed property acquired; and sell, assign, exchange, transfer, convey, lease, or otherwise dispose of, or encumber the same;

Grant options to purchase any project or to renew any lease entered into by the corporation in connection with any of its projects, on the terms and conditions it deems advisable;

These are appropriate functions of government that cannot reasonably be delegated to another entity. Furthermore, HB 1134 proposes a pilot project, though it is unclear what the purpose of such a project is. The fact that a pilot project could be carried out in a reasonable manner does not in any way change the scope of the “Public-Private Development Corporation” and its potential for future abuses.

Finally, HB 865 simply sounds like a raid on our public parks and school playgrounds. Despite the fine words, what seems to be intended is to build old-fashioned multi-storied buildings to house children so that the land that is saved can be used for---well, who knows what? And once again, this bill attempts to put major decision-making responsibility into the hands of a private entity, in this case, the Hawaii Community Development Authority.

In summary, Americans for Democratic Action/Hawaii supports the deletion of HRS 171C and all statutory references to the Public Land Development Corporation, as spelled out in HB. 589 and 1133. We do not support renaming or revising the statute or a pilot project as advocated in the other bills before this committee today.

We urge you to pass HB 589 or HB 1133.

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Telephone: 808 926-1530
Contact@HEECoalition.org

House Committee on Water and Land
Representative Cindy Evans, Chair
Representative Nicole Lowen, Vice Chair

House Committee on Education
Representative Roy Takumi, Chair
Representative Takashi Ohno, Vice Chair

House Committee on Finance
Representative Sylvia Luke, Chair
Representative Scott Nishimoto, Vice Chair
Representative Aaron Johanson, Vice Chair

February 9, 2013

Dear Chairs Evans, Takumi, and Luke, Vice Chairs Lowen, Ohno, Nishimoto, and Johanson, and Committee Members:

This testimony is submitted in support of HB865 with suggested amendments.

The Hui for Excellence in Education (HE'E) is a diverse coalition of over 40 parent and community organizations dedicated to improving student achievement by increasing family and community engagement and partnerships in our schools. Our member list is attached.

The Coalition has been following the issue of our aging facilities and the need to find creative solutions to finance and rebuild our schools. The Coalition has hosted several speakers discussing 21st Century School design, mainland efforts to address school facilities, and local organizations working to find creative options. We are very pleased to see the legislature support the concept of using underutilized school lands to fund new school construction statewide.

We would ask that the Committee consider the following amendments in moving the bill along:

1. Specify that the program include the development of design specifications for 21st Century Schools.
2. Specify that school and community engagement (specifically, parents/guardians or parent/ohana groups, teachers, principals, business and community members of impacted area) be a required component of all projects both in the design and development of new schools and in the proposed uses on the leased lands
3. Specify that uses on the underutilized school lands be compatible with surrounding land use and zoning (some school property may need zone changes to be redeveloped and the proposed zoning should be compatible with the surrounding existing zoning designations)
4. Specify that early learning centers along with K-12 facilities could be included in the projects.
5. Recommend that one of the four at-large members among the seven voting members to vote on issues relating to public schools facilities redevelopment be a member of a parent group or a community organization that is focused on education or family support services.

We would be glad to work with the legislature, Department of Education, Board of Education, and any other appropriate agencies to make this effort successful.

Thank you for the opportunity to testify and for your consideration.

Our support of this bill represents a 75% consensus or more of our membership. While the majority of the Coalition members supported this bill, Parents for Public Schools and Faith Action for Community Equity could not come to a consensus to support this position.

Sincerely,

Cheri Nakamura
HE'E Coalition Director

HE'E Member List

Academy 21

After-School All-Stars Hawaii

Alliance for Place Based Learning

*Castle Complex Community Council

Center for Civic Education

Coalition for Children with Special Needs

*DOE Windward District

*Faith Action for Community Equity

Fresh Leadership LLC

Girl Scouts Hawaii

*Good Beginnings Alliance

Harold K.L. Castle Foundation

*Hawaii Appleseed Center for Law and Economic Justice

Hawai'i Athletic League of Scholars

*Hawai'i Charter School Network

*Hawai'i Education Matters

*Hawai'i Nutrition and Physical Activity Coalition

*Hawaii State PTSA

Hawai'i State Student Council

Hawai'i State Teachers Association

Hawai'i P-20

Hawai'i 3Rs

Head Start Collaboration Office

It's All About Kids

*INPEACE

Joint Venture Education Forum

Kamehameha Schools

*Kanu Hawai'i

Kupu A'e

*Leaders for the Next Generation

McREL's Pacific Center for Changing the Odds

*Our Public School

*Pacific Resources for Education and Learning

*Parents and Children Together

*Parents for Public Schools Hawai'i

Punahou School PUEO Program

Teach for America

The Learning Coalition

US PACOM

University of Hawai'i College of Education

YMCA of Honolulu

Voting Members (*)

lowen1-Kyli

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 08, 2013 9:03 PM
To: waltestimony
Cc: barleigh2@yahoo.com
Subject: *Submitted testimony for HB865 on Feb 9, 2013 09:00AM*

HB865

Submitted on: 2/8/2013

Testimony for WAL/EDN/FIN on Feb 9, 2013 09:00AM in Conference Room Auditorium

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Cooney	Individual	Oppose	No

Comments:

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lowen1-Kyli

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 09, 2013 3:25 PM
To: waltestimony
Cc: inunyabus@gmail.com
Subject: Submitted testimony for HB865 on Feb 9, 2013 09:00AM

HB865

Submitted on: 2/9/2013

Testimony for WAL/EDN/FIN on Feb 9, 2013 09:00AM in Conference Room Auditorium

Submitted By	Organization	Testifier Position	Present at Hearing
Elaine D.	Individual	Oppose	No

Comments: Why do you want to replace the schools when you have to furlough the teachers?

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lowen1-Kyli

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 08, 2013 8:36 PM
To: waltestimony
Cc: jeannine@hawaii.rr.com
Subject: Submitted testimony for HB865 on Feb 9, 2013 09:00AM

HB865

Submitted on: 2/8/2013

Testimony for WAL/EDN/FIN on Feb 9, 2013 09:00AM in Conference Room Auditorium

Submitted By	Organization	Testifier Position	Present at Hearing
Jeannine Johnson	Individual	Oppose	No

Comments: As a Hawaiian whose ancestors were lawai'a (fishermen) and kālai wa'a (canoe-builders) from Kapāilua since 1777, I strongly oppose HB 865, HB 942, HD1, HB 219, HB 593, and HB 1134. The Public Land Development Corporation (PLDC) should never have been given unlimited power to develop public lands placed under the PLDC jurisdiction, including but not limited to existing open shoreline areas, conservation lands, agricultural lands, ceded lands owned by the Hawaiian people and held in trust by the state government and small boat harbors, for commercial purposes to generate revenue for the DLNR/State of Hawai'i. The PLDC should never have been made, as it had been amended with only two hours before its hearing to allow it to be exempt from all statutes, ordinances, charter provisions, and rules of government agencies relating to special improvement district assessments or requirements; land use, zoning, and construction standards for subdivisions, development, and improvement of land; and the construction, improvement, and sale of homes thereon for development of public lands to generate revenues. This deception violated the Hawai'i State Constitution and angered the public so much that they came out in droves to testify against it at administrative rules hearings all over the State. Ke Akua pū me kākou, i pono ke ea o ka 'āina. (May God be with us always that the life of the land will be pono).

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lowen1-Kyli

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 08, 2013 9:20 PM
To: waltestimony
Cc: michaelbroady@gmail.com
Subject: *Submitted testimony for HB865 on Feb 9, 2013 09:00AM*

HB865

Submitted on: 2/8/2013

Testimony for WAL/EDN/FIN on Feb 9, 2013 09:00AM in Conference Room Auditorium

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Broady Jr.	Individual	Oppose	Yes

Comments:

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